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First Congressional Restraints Are Imposed on C.I.A.

By BENJAMIN WELLES

Special to The New York Times

WASHINGTON, Feb. 12—The foreign aid authorization bill, signed by President Nixon on Monday, includes for the first time in a quarter-century new controls on the operations, cost and personnel of the Central Intelligence Agency.

The controls, which thus far have attracted little public attention, are the first to be added since Congress created the agency through the National Security Act of 1947, a measure that was amended in 1949.

This act exempts the CIA from most fiscal and personnel controls imposed on other Federal agencies. Funds, personnel and material voted by Congress to other agencies, such as the Defense Department, can, for example, be switched legally to the C.I.A.

The controls were inserted at various points in this year's aid bill largely through the efforts of Senators Clifford P. Case, Republican of New Jersey, Frank Church, Democrat of Idaho, and Stuart Symington, Democrat of Missouri.

They are members of the Foreign Relations Committee. Together with the committee's Chairman, J. W. Fulbright, Democrat of Arkansas, they have protested increasingly in recent months that Congress has too little knowledge of, let alone control over, the agency's activities, particularly in Southeast Asia.

Senator Case urged on July 12 a tightening of restrictions over the Defense Department's use of its funds overseas and over its power to transfer "surplus" military material to other United States agencies. Mr. Case insisted that the C.I.A. be included in the restrictions lest United States involvement in Cambodia develop surreptitiously, as he said it had in Laos.

The proposed restrictions, he said, "would prevent the circumvention of Congressional intent in the funding of activities such as the Thai troops in Laos through C.I.A. rather than through more open Government agencies."

"It would also," he said, "eliminate the possibility that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using C.I.A. personnel."

Stennis Thinks Irritant

The ire of the committee members is reported to be less against the C.I.A. itself than against Senator John C. Stennis, Democrat of Mississippi, Chairman of the Armed Services Committee and of the so-called "Oversight" Committee for the agency. The Oversight Committee comprises senior members of the Armed Services

and Appropriations committees plus four members of the Foreign Relations Committee. It is supposed to watch over all the agency's activities.

Under Senator Stennis's direction, however, it did not meet at all in 1971—to the annoyance of Senators from the Foreign Relations Committee, who contend that C.I.A. activities around the world intimately and sometimes decisively affect the conduct of United States foreign policy.

They have now moved to bypass Senator Stennis and to gain some control over the agency's funds, personnel and activities by writing controls into the aid bill. Some Congressional sources say, however, that there are still loopholes.

Specifically, according to legislative specialists, the new controls will require the following actions:

A reduction in military personnel working for the agency in activities similar to military assistance advisory groups and military missions and will also limit the size of the United States mission now in Cambodia.

Inclusion of agency in the \$341-million ceiling on aid to Cambodia and placing its arms

transfers in the category of military aid appropriation. The C.I.A. is said to have warehouses filled with arms at various points in Southeast Asia for distribution to anti-Communist guerrillas.

A prohibition on paying foreign troops—such as the 4,800 Thai "volunteers" in Laos—more than the scales for the United States armed forces. Also, the agency could be specifically placed under existing restrictions on giving arms to forces in Southeast Asia.

Submission of quarterly reports to Congress on Cambodia and annual reports on foreign aid. C.I.A. assistance will be included in the totals, although, some Congressional sources say, it will probably not be specifically identified.

Congressional sources concede that the controls may not prevent circumvention of Congressional intent—at least to some degree—by Richard Helms, Director of Central Intelligence, provided he is backed by the White House.

The National Security Council, to which Mr. Helms reports, has the final decision. Congressional experts point out.

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The Washington Merry-Go-Round**Cables Show Doubletalk on VC****By Jack Anderson**

The secret cables from Saigon show that U.S. officials have been talking out of both sides of their mouths about their campaign to wipe out the Vietcong infrastructure.

The idea was to kill, capture or convert the key people who operate the Vietcong underground inside South Vietnam. This grim missionary effort is known delicately as Operation Phoenix, named after a mythical bird which rises from its own ashes.

But the Phoenix program, according to the classified cable traffic, hasn't gotten off the ground. Ellsworth Bunker, the American Ambassador in Saigon, has reported to Secretary of State Bill Rogers that the operation "has not appeared to have significantly weakened" the Vietcong infrastructure.

Bunker's cable is dated Aug. 30, 1971. The date is significant. For a few days earlier, Ambassador William Colby and Assistant Defense Secretary G. Warren Nutter made public statements saying exactly the opposite.

Colby, who headed the pacification program in Vietnam, testified on July 19 before the House Foreign Operations subcommittee. Suave and solemn as an undertaker, he praised the Phoenix program.

It "has reduced the power of the VCI (Vietcong Infrastructure), he said, and "is an essential part of the Government of Vietnam's defense." American support, he declared, "is fully warranted."

The VCI, he said, "operates under considerable limitations" and has been reduced in some areas "to skeleton status." As statistical evidence, he reported that 9,331 VCI were "neutralized during the first five months of 1971. This included 3,650 killed, he said.

Secret Reports

Bunker's secret Aug. 30 cable, however, tells a dismayingly different story. Although the Phoenix program "routinely exceeds its goals of neutralizations (deaths and arrests)," confided Bunker, it "has not appeared to have significantly weakened the VCI."

Giving the classified statistics on VCI strength, he reported: "June strength (of) 61,994 was down 341 from May. The drop in strength for the first half of 1971 is about 10 per cent. Even if this figure is reliable, it is not a significant decrease in view of the urgent GVN (Government of Vietnam) efforts directed against the VCI in 1971.

"Sixty thousand members of an underground organization in a population of 18 million represents one VCI for each

300 people. This has apparently been adequate to keep the VCI viable and enable them to make their presence felt."

A few weeks before Colby bragged to Congress about the success of the Phoenix program, his top aide in Gia Dinh province, David McKillop, reported grimly: "We have not scratched the surface of the Urban VCI network of the Shadow Supply System."

In a confidential report from Binh Duong province, Lt. Col. Gerald Chikalla informed Colby that Operation Phoenix "was killing off the little fish but missing the sharks."

"There has developed the tendency to place more importance on volume rather than on quality neutralizations," reported Chikalla. "Much of this can be attributed to U.S. guidance and influence and Quotas."

Another reason for Phoenix's failure was the unwillingness of the Vietnamese to turn in their sons and fathers to the Saigon government. As Lt. Col. Jack Cantrell put it in a classified report from Binh Tuy province:

"The major reasons for lack of success include: (a) The inherent distaste of the people to indict (inform on) relatives, friends or personnel with political implications. . . (Phoenix) is a U.S. innovation that has been bought officially by

the Vietnamese but which does not get the priority attention in action at any level that it gets on paper."

Similar admissions of failure came from Lt. Col. Gerald Bartlett in Hau Nghia province.

Yet Colby suppressed these unfavorable reports and gave Congress a fabricated, favorable account of the Phoenix program. He was supported by the Pentagon's G. Warren Nutter, who wrote a similarly glowing letter about Operation Phoenix to House Foreign Affairs Chairman Thomas Morgan (D-Pa.) on Aug. 21.

Once again, we have caught government officials in a flagrant deception. They twisted the facts, apparently, in order to win congressional support.

Gift from Agnew

Vice President Agnew is a man often accused of a lack of sympathy for the black and the poor. But you'd have a hard time convincing Ray May, the rugged outside linebacker of the Baltimore Colts.

May has adopted three teen-aged black youths and plans to convert his Kansas ranch into a home for disadvantaged city boys.

Not long ago, May received a handwritten note from the Vice President. "Ray, congratulations," it said. "Perhaps this will help a little." Enclosed was a crisp \$100 bill.

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